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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,773	07/06/2000	Isao Yamada	SONY-T0866	5664

29175 7590 03/24/2005  
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EXAMINER

MANNING, JOHN

ART UNIT PAPER NUMBER

2614

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/610,773

Applicant(s)

YAMADA, ISAO

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments filed 10/12/2004, in regard to the rejection of claims 1-20 under U.S.C. 112, first paragraph, as failing to comply with the written description requirement have been fully considered but they are not persuasive. Applicant argues that the specification provides sufficient support for relation data forming means or the step of forming relation data. Applicant cites page 19, line 16 to page 20, lines 6 which reads: "In Fig.2, data for the supplemental broadcast includes a video part (symbolic image) S-1 which forms a symbolic label for a supplemental program #1, a video part S-2 which forms a symbolic label for a supplemental program #2, a video part S-3 which forms a symbolic label for a supplemental program #3, and so on, control data, access restrict flag, local ground-wave channel information, a video part (supplemental program image) V-1 and audio p a r t (supplemental program sound) A-1 o f the supplemental program #1, other data (e.g., telephone number of the server 9 and text information) D-1, video part V-2 and audio part A-2 of the supplemental program #2 and accompanying data D-2, video part V-3 and audio part A-3 of the supplemental program #3 and accompanying data D-3, and so on." The Examiner fails to see how the cited portion of the specification provides support for the claimed relation data forming means. Consequently, the assertion that the specification does not provide sufficient support for relation data forming means or the step of forming relation data is maintained.

Applicant's arguments with respect to claims 1-4, 7-8, 10-14, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (US Pat No

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6,177,931), claims 6, 9, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. and claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Remillard (US Pat No 5,561,708) have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as filed does not properly provide support for relation data forming means or the step of forming relation data.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-4, 7-8, 10-14, 17 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US Pat No 6,177,931).

In regard to claim 1, the claimed limitation of "symbolic label forming means which forms symbolic labels indicative of the content of said broadcast programs" is met by Figure 1, Item 16. "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42" (Col 4, Lines 34-42). Additionally, the "EPG can select advertisements from various possible locations, including but limited to: a library of advertisements stored at the viewer's terminal in RAM that have been downloaded through the VBI, stored at the head-end, or accessible through an EPG link to the Internet/World Wide Web. The advertisements may be in the form of graphics, text, video clips, audio clips, and combinations thereof" (Col 34, Lines 10-16). The claimed limitation "relation data forming means which forms relation data that shows which program said information supplements" is met by Figures 10A and 10B. "Each advertisement can be assigned theme codes, profile codes, and other selection intelligence" (Col 34, Lines 16-18). The claimed limitation of "transmission means which transmits said information, symbolic labels and relation data" is disclosed in the reference. The reference discloses that the

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EPG can select advertisements from various possible locations. The reference fails to explicitly disclose that the retrieved data is from a second broadcast station. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art to modify the reference to retrieve the data from a second broadcast stations so as to allow a third party source to provide the service.

In regard to claim 2, the Alexander reference discloses providing advertisements that correspond to the broadcast program. "EPG displays different advertisements depending upon, e.g., which show the viewer has currently highlighted in the Grid Guide" (Col 34, Lines 4-6).

In regard to claim 3, the information, symbolic labels, and relation data are transmitted on a separate transmission path, i.e. the Internet. "EPG can select advertisements from various possible locations, including but limited to: a library of advertisements stored at the viewer's terminal in RAM that have been downloaded through the VBI, stored at the head-end, or accessible through an EPG link to the Internet/World Wide Web. The advertisements may be in the form of graphics, text, video clips, audio clips, and combinations thereof" (Col 34, Lines 10-16).

In regard to claim 4, the reference discloses that the information is composed of data, which is different from data adapted for video or audio output. "The advertisements may be in the form of graphics, text, video clips, audio clips, and combinations thereof" (Col 34, Lines 15-16).

In regard to claim 6, the Alexander et al. discloses a system for displaying and recording control interface with television programs, video, advertising information and

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program scheduling information. The reference fails to explicitly disclose that the transmission means alters the transmission band for transmitting said broadcast programs and symbolic labels depending on the quantity of data of broadcast programs and symbolic labels to be transmitted. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art to alters the transmission band for transmitting said broadcast programs as to increase efficiency by bandwidth conservation.

Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the Alexander et al. reference with transmission means that alters the transmission band for transmitting said broadcast programs and symbolic labels depending on the quantity of data of broadcast programs and symbolic labels to be transmitted so as to increase efficiency by bandwidth conservation.

In regard to claim 7, the system provides display control means for controlling as to whether or not said symbolic labels are displayed on a receiver set. "There are generally three results to leaving the Guide, depending upon the way the viewer leaves the Guide. If the viewer, while in the EPG, wants to watch in full screen mode the program shown in the PIP Window, then the viewer can press the Guide button on the remote control device. If the viewer, while in the EPG, highlights a particular channel in the Grid Guide, and then presses the "select" button, the viewer will leave the Guide to view in the full screen mode the television program that the viewer highlighted in the Guide. If the viewer, while in the EPG, presses the "clear" or "cancel" button on the remote control device, then the viewer will leave the Guide and return to the device,

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then the viewer will leave the Guide and return to the television program that the viewer was watching immediately before entering the Guide" (Col 4, Lines 13-27).

In regard to claim 8, the claimed step of "forming symbolic labels indicative of the content of said information" is met by Figure 1, Item 16. "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing 'select' key 42" (Col 4, Lines 34-42). Additionally, the "EPG can select advertisements from various possible locations, including but limited to: a library of advertisements stored at the viewer's terminal in RAM that have been downloaded through the VBI, stored at the head-end, or accessible through an EPG link to the Internet/World Wide Web. The advertisements may be in the form of graphics, text, video clips, audio clips, and combinations thereof" (Col 34, Lines 10-16). The claimed step of "forming relation data that shows which program said information supplements" is met by Figures 10A and 10B. "Each advertisement can be assigned theme codes, profile codes, and other selection intelligence" (Col 34, Lines 16-18). The claimed step of "transmitting said information, symbolic labels and relation data" is disclosed in the reference. The reference discloses that the EPG can select advertisements from various possible locations. The reference fails to explicitly disclose that the retrieved data is from a second broadcast station. However, it is submitted that it would have



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been clearly obvious to one of ordinary skill in the art to modify the reference to retrieve the data from a second broadcast stations so as to allow a third party source to provide the service.

In regard to claim 9, the claimed step of "forming symbolic labels indicative of the content of said information" is met by Figure 1, Item 16. "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing 'select' key 42" (Col 4, Lines 34-42). Additionally, the "EPG can select advertisements from various possible locations, including but limited to: a library of advertisements stored at the viewer's terminal in RAM that have been downloaded through the VBI, stored at the head-end, or accessible through an EPG link to the Internet/World Wide Web. The advertisements may be in the form of graphics, text, video clips, audio clips, and combinations thereof" (Col 34, Lines 10-16). The claimed step of "forming relation data that shows which program said information supplements" is met by Figures 10A and 10B. "Each advertisement can be assigned theme codes, profile codes, and other selection intelligence" (Col 34, Lines 16-18). The claimed step of "transmitting said information, symbolic labels and relation data" is disclosed in the reference. The reference discloses that the EPG can select advertisements from various possible locations. The reference fails to explicitly disclose that the retrieved

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data is from a second broadcast station. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art to modify the reference to retrieve the data from a second broadcast stations so as to allow a third party source to provide the service. Furthermore, the reference discloses storing information in RAM. The reference fails to explicitly disclose "a medium which operates on a computer to run an operations program which implements the information processing for producing television broadcast programs". However, it is submitted that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Alexander et al. system with "a medium which operates on a computer to run an operations program which implements the information processing for producing television broadcast programs" so as to reduce the cost and size of the system.

In regard to claim 10, the claimed limitation of reception and display control means is met by Figure 1. "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown. In FIG. 1, a television screen display 10 is shown. Display 10 could be generated by a conventional television receiver with interlaced scan lines, by a VCR, by a PC monitor with progressive scan lines, or by another other type of video display device" (Col 3, Lines 1-7). The claimed limitation of "output control means which operates in response to the operation of selection of a symbolic label to release data corresponding to the selected symbolic label" is disclosed by the reference. "There are generally three results to leaving the Guide, depending upon the way the viewer leaves the Guide. If the viewer, while in the EPG, wants to watch in full screen mode the program shown in the PIP Window, then the viewer can

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press the Guide button on the remote control device. If the viewer, while in the EPG, highlights a particular channel in the Grid Guide, and then presses the "select" button, the viewer will leave the Guide to view in the full screen mode the television program that the viewer highlighted in the Guide. If the viewer, while in the EPG, presses the "clear" or "cancel" button on the remote control device, then the viewer will leave the Guide and return to the device, then the viewer will leave the Guide and return to the television program that the viewer was watching immediately before entering the Guide" (Col 4, Lines 13-27). The reference discloses that the EPG can select advertisements from various possible locations. The reference fails to explicitly disclose that the retrieved data is from a second broadcast station. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art to modify the reference to retrieve the data from a second broadcast stations so as to allow a third party source to provide the service.

In regard to claims 11 and 12, the system provides display control means for controlling as to whether or not said symbolic labels are displayed on a receiver set. "There are generally three results to leaving the Guide, depending upon the way the viewer leaves the Guide. If the viewer, while in the EPG, wants to watch in full screen mode the program shown in the PIP Window, then the viewer can press the Guide button on the remote control device. If the viewer, while in the EPG, highlights a particular channel in the Grid Guide, and then presses the "select" button, the viewer will leave the Guide to view in the full screen mode the television program that the viewer highlighted in the Guide. If the viewer, while in the EPG, presses the "clear" or

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"cancel" button on the remote control device, then the viewer will leave the Guide and return to the device, then the viewer will leave the Guide and return to the television program that the viewer was watching immediately before entering the Guide" (Col 4, Lines 13-27).

In regard to claim 13, the reference discloses other information, which further supplements the broadcast program. "Typically, an ad for a future telecast program is displayed in window 14. This ad is linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically by pressing the blue left action button to watch the program, or the green right action button to record the program. Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times" (Col 4, Lines 28-39).

In regard to claim 14, the system provides output control means that "operates in response to the operation of selection of a symbolic label to display data corresponding to the selected symbolic label in place of said other broadcast program". "In one embodiment, the video clip associated with the product and/or program displayed in the Ad Window is shown when the viewer highlights the Ad Window. Depending upon the embodiment and/or viewer option selections, the video clip is shown in the PIP window, in the Ad Window, or full screen. At the conclusion of the video clip, the EPG typically returns to the mode in which the viewer was operating immediately before selecting the option that triggered the display of the video clip" (Col 20, Lines 4-12).

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In regard to claim 15, the Alexander et al. discloses a system for navigation through television programs. The reference fails to explicitly disclose display control means that operates on separate display devices to display said other broadcast program and said symbolic labels. However, it is submitted that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Alexander et al. system with display control means that operates on separate display devices to display said other broadcast program and said symbolic labels so as to not obscure the either the broadcast program or the symbolic labels.

In regard to claim 17, the reference discloses memory means, which operates in response to the operation of selection of a symbolic label to store data of a broadcast program corresponding to the selected symbolic label. "If the Ad Window displays information about a particular product, pressing a record button will instruct the EPG to record an infomercial, to the extent that one is scheduled for a future time. Alternatively, the Ad Window can display information about a future-scheduled television program or about a series of programs to be telecast over a period of time. In that case, pressing a record button will instruct the EPG to record the future-scheduled program. Alternatively, the viewer can designate the program for the Watch List" (Col 14, Lines 1-7).

In regard to claim 19, the claimed steps of reception and display control are met by Figure 1. "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown. In FIG. 1, a television screen display 10 is shown. Display 10 could be generated by a conventional television receiver with interlaced scan

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lines, by a VCR, by a PC monitor with progressive scan lines, or by another other type of video display device" (Col 3, Lines 1-7). The claimed limitation of "controlling, in response to the operation of selection of a symbolic label, the release of data corresponding to the selected symbolic label" is disclosed by the reference. "There are generally three results to leaving the Guide, depending upon the way the viewer leaves the Guide. If the viewer, while in the EPG, wants to watch in full screen mode the program shown in the PIP Window, then the viewer can press the Guide button on the remote control device. If the viewer, while in the EPG, highlights a particular channel in the Grid Guide, and then presses the "select" button, the viewer will leave the Guide to view in the full screen mode the television program that the viewer highlighted in the Guide. If the viewer, while in the EPG, presses the "clear" or "cancel" button on the remote control device, then the viewer will leave the Guide and return to the device, then the viewer will leave the Guide and return to the television program that the viewer was watching immediately before entering the Guide" (Col 4, Lines 13-27). The reference discloses that the EPG can select advertisements from various possible locations. The reference fails to explicitly disclose that the retrieved data is from a second broadcast station. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art to modify the reference to retrieve the data from a second broadcast stations so as to allow a third party source to provide the service.

In regard to claim 20, the claimed steps of reception and display control are met by Figure 1. "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window

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and Advertising Messages is shown. In FIG. 1, a television screen display 10 is shown. Display 10 could be generated by a conventional television receiver with interlaced scan lines, by a VCR, by a PC monitor with progressive scan lines, or by another other type of video display device" (Col 3, Lines 1-7). The claimed limitation of "controlling, in response to the operation of selection of a symbolic label, the release of data corresponding to the selected symbolic label" is disclosed by the reference. "There are generally three results to leaving the Guide, depending upon the way the viewer leaves the Guide. If the viewer, while in the EPG, wants to watch in full screen mode the program shown in the PIP Window, then the viewer can press the Guide button on the remote control device. If the viewer, while in the EPG, highlights a particular channel in the Grid Guide, and then presses the "select" button, the viewer will leave the Guide to view in the full screen mode the television program that the viewer highlighted in the Guide. If the viewer, while in the EPG, presses the "clear" or "cancel" button on the remote control device, then the viewer will leave the Guide and return to the device, then the viewer will leave the Guide and return to the television program that the viewer was watching immediately before entering the Guide" (Col 4, Lines 13-27). The reference discloses storing information in RAM. The reference fails to explicitly disclose "a medium which operates on a computer to run an operations program which implements the information processing for producing television broadcast programs". However, it is submitted that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Alexander et al. system with "a medium which operates on a computer to run an operations program which implements the

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information processing for producing television broadcast programs” so as to reduce the cost and size of the system. The reference discloses that the EPG can select advertisements from various possible locations. The reference fails to explicitly disclose that the retrieved data is from a second broadcast station. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art to modify the reference to retrieve the data from a second broadcast stations so as to allow a third party source to provide the service.

6. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Remillard (US Pat No 5,561,708).

In regard to claim 16, Alexander et al. discloses a system for navigation through television programs. The reference fails to explicitly disclose that the broadcast programs are composed of data adapted for printout. The Remillard reference teaches the printing data adapted for printout so as to allow the user to obtain a hardcopy of the information presented on the television. “Use of a printer connected to the controller provides the user with an ability to produce a hardcopy of the information displayed on the television” (Col 3, Lines 51-53). “The electronic device 20 includes an interface for a printer 56. The electronic device 20 directs selected, captured images to the printer 56 for hardcopy output. The printer 56 prints results of queries to the various selected facilities, the sketching with the pointing device 54, or any other screen displayed” (Col 5, Lines 36-40). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Alexander et al. reference to with printing



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data adapted for printout so as to allow the user to obtain a hardcopy of the information presented on the television.

In regard to claim 18, Alexander et al. discloses a system for navigation through television programs. The reference fails to explicitly disclose that broadcast programs are composed of data adapted for ordering commodities, said output control means operating to transmit said order data. The Remillard reference teaches receiving broadcast programs are composed of data adapted for ordering commodities and upon user input transmitting order control data so as to allow the user to make purchase from home. For "certain programs, such as home shopping programming, the user may manually overlay a purchasing menu in the window 80. When a desired item is shown, the user is able to cause the electronic device 20 to issue appropriate purchase information to the interactor facility, automatically" (Col 5, Lines 61-66). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Alexander et al. reference to with receiving broadcast programs are composed of data adapted for ordering commodities and upon user input transmitting order control data so as to allow the user to make purchase from home.

### ***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM  
March 19, 2005

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600